
APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Agriculture: HB 411.

Counties: HB 302.

Engrossed and Enrolled Bills: Correctly engrossed-HB 448, HB 730. Correctly enrolled-HB 377, HB 381, HB 382, HCR 25, HCR 62.

Motor Transportation: HB 532.

SENT TO THE GOVERNOR
March 4, 1971

HB 377

HB 381

HB 382

HCR 25

HCR 62

THIRTY-THIRD DAY—MONDAY, MARCH 8, 1971

The House met at 11:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Braun	Davis, D.	Hale
Adams	Burgess	Davis, H.	Hanna, Joe
Agnich	Bynum	Denton	Hannah, John
Allen, Joe	Caldwell	Doran	Harding
Allen, John	Calhoun	Doyle	Harris
Angly	Carrillo	Dramberger	Hawkins
Atwell	Cates	Earthman	Hawn
Atwood	Cavness	Farenthold	Haynes
Baker	Christian	Finck	Head
Bass, T.	Clark	Finnell	Heatly
Beckham	Clayton	Floyd	Hendricks
Bigham	Coats	Foreman	Hilliard
Blanton	Cobb	Gammage	Holmes, Z.
Blythe	Cole	Garcia	Howard
Bowers	Craddick	Golman	Hubenak
Boyle	Cruz	Grant	Hull
Braecklein	Daniel	Graves	Ingram

Jones, D.	Moore, A.	Presnal	Stewart
Jones, E.	Moore, T.	Price	Stroud
Jones, G.	Moreno	Reed	Swanson
Jungmichel	Murray	Rodriguez	Tarbox
Kaster	Nabers	Rosson	Traeger
Kilpatrick	Nelms	Salem	Truan
Kost	Neugent, D.	Sanchez	Tupper
Kubiak	Newton	Santiesteban	Vale
Lee	Nichols	Schulle	Von Dohlen
Lemmon	Niland	Semos	Ward
Lewis	Nugent, J.	Shannon	Wayne
Ligarde	Ogg	Sherman	Wieting
Lombardino	Orr	Short	Williams
Longoria	Parker, C.	Silber	Williamson
Lovell	Parker, W.	Simmons	Wolff
McAlister	Patterson	Slider	Wyatt
McKissack	Pickens	Smith	
Mengden	Poerner	Solomon	
Moncrief	Poff	Spurlock	

Absent

Allred	Finney	Moore, G.	Uher
Bass, B.	Johnson	Slack	

Absent-Excused

Holmes, T.	Salter
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A quorum of the House was announced present.

The Invocation was offered by Chaplain Clinton Kersey.

LEAVES OF ABSENCE GRANTED

On motion of Mr. Tom Moore, Mr. Salter was granted leave of absence for today on account of illness in the family.

On motion of Mr. Finck, Mr. Tom Holmes was granted leave of absence for today on account of illness.

MESSAGE FROM THE SENATE

Austin, Texas, March 8, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 341 by 28 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 278, By Slack: Establishing the Higher Education Facilities Bond Program of 1971; and declaring an emergency. (with amendments)

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

BILL SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bill:

HB 283, Changing the method of computing deductions from wages and pensions for members of certain firemen and policemen's pension funds in certain cities.

Representatives Slack and Golman entered the House and were announced present.

HSR 186—ADOPTED

(Congratulating Judge W. H. Miller and "Concerned Teens")

Mr. Lee offered the following resolution:

HSR 186

Whereas, An outstanding organization, known as "Concerned Teens," is providing valuable service to the young people of Harris County and to the people of Texas by their dedicated efforts to aid in the prevention of juvenile crime and delinquency; and

Whereas, The guiding spirit behind this worthy organization is a well-known civic leader, Judge W. H. Miller, of the Juvenile Court of Harris County No. 2; soon after taking office he reached the conclusion that the only hope of making any impression on the tide of youthful crime was in the area of prevention, and that the most effective way to influence teenagers was through others of their own age; and

Whereas, The group now has a membership of several hundred in various schools throughout the county and offers great promise of acquainting a widening circle of young people, from ages 10 to 18, with the working of the law and of the consequences of lawbreaking; regular meetings are held once or twice each month, at which speakers from the probation department, the juvenile department and other agencies give lectures and answer questions; members are also invited and urged to attend juvenile court sessions; and

Whereas, This splendid organization has achieved marked success with its special program, a hot-line telephone service, designed to help young people talk out a problem with someone their own age; nearly 60 teenagers and about 25 adult professional persons man the telephones seven days a week each month; the program has been operating since December and has already been involved in many types of teen problems; and

Whereas, Although "Concerned Teens" was inspired by Judge Miller, the entire program is strictly run by and for teens: the group operates on the basic premise that young people can communicate most effectively with their own age groups; the constitution of the organization was drafted by teens, its name was conceived by teens, and its officers are teens; Judge

Miller and a board of six Houston business and professional men perform an advisory role and are available for counseling and help at any time the teenagers need it; and

Whereas, These exceptional young citizens rely solely on their own hard work and sacrifice in their efforts to help those who are in trouble, "Concerned Teens" has no connection with any other organization, public or private; and

Whereas, The role of this outstanding group is a tribute to the highest principles of citizenship and is worthy of great praise; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature issue special commendation to Judge W. H. Miller and to this fine group of young people, who as members of "Concerned Teens" are contributing greatly toward the betterment of their community and the State of Texas; and, be it further

Resolved, That copies of this Resolution be prepared for the "Concerned Teens" and for Judge W. H. Miller as a token of high esteem and an expression of appreciation for their sacrifice on behalf of the citizens of Texas.

Signed: Lee and Lemmon

The resolution was unanimously adopted.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 188, by Stewart and Allred: Congratulating the debate squad of Notre Dame High School, Wichita Falls, Texas.

HSR 189, by Ward: Congratulating students from Iredell High School, Iredell, Texas.

Representatives Finney and Johnson entered the House and were announced present.

HSR 187—ADOPTED

(Congratulating the Honorable Elmer L. Tarbox on his birthday)

Mr. Delwin Jones offered the following resolution:

HSR 187

Whereas, Even though birthday wishes come a day late because his fellow legislators were not in session on March 7, Members of this House take great pleasure in wishing the Honorable Elmer L. Tarbox a happy and prosperous 55th year; our good wishes could be no more genuine if the great chandeliers of this hallowed hall were to quiver from our resounding voices harmonizing on "Happy Birthday, Dear Elmer"; and

Whereas, Though not a native Texan, surely Elmer L. Tarbox was born a Democrat back in 1916 in Bishop, Oklahoma; this quietly efficient law-maker returned to Austin last January for his third session representing Lubbock and District 72; and

Whereas, A father of four, an Eagle Scout himself, and a former president of the Texas Tech Ex-Students Association, Elmer Tarbox has real empathy for young people and their educational problems; he is eminently qualified as Vice-Chairman of the Higher Education Committee; and

Whereas, Representative Tarbox utilizes his background of more than 20 years in the Air Force on the committees for Aeronautics and Military Affairs, and his astute business sense is invaluable in his work on the Appropriations and Data Processing and Printing Committees; and

Whereas, The citizens of his hometown look to Elmer Tarbox for leadership not only in Austin but also in Lubbock, where he has served as director of the Downtown Kiwanis Club, member of the board of St. John's Methodist Church, illustrious member of the Texas Tech Athletic Hall of Fame, and holder of two registered patents for athletic products; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature congratulate the Honorable Elmer L. Tarbox with this Resolution in lieu of a choral tribute at this the beginning of his 55th year; and, be it further

Resolved, That an official copy be prepared for him with sincere good wishes from his fellow legislators for health, happiness in his family, prosperity in his business, and success with his legislation.

The resolution was read and was unanimously adopted.

On motion of Mr. McAlister the names of all the Members of the House were added to the resolution as signers thereof.

Representatives Allred, Uher, and Bill Bass entered the House and were announced present.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were read and were adopted unanimously:

HSR 191, by Ogg: Congratulating Mr. and Mrs. Arthur E. (Art) Wiese.

HSR 190, by Ogg: Congratulating students from Cypress-Fairbanks High School, Houston, Texas.

RELATIVE TO BILLS AND RESOLUTIONS ON FIRST READING

By unanimous consent the reading of bills and resolutions on first read-

ing and referral to Committees was delayed until the business on the Calendar was considered.

HB 557 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 557, A bill to be entitled An Act relating to the quarantine powers of the Texas Animal Health Commission; amending Section 5, Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929 (Article 1525b, Vernon's Texas Penal Code); and declaring an emergency.

The bill was read second time and was passed to engrossment.

Mr. Poerner moved to reconsider the vote by which HB 557 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HB 557 ON THIRD READING

Mr. Poerner moved that the constitutional rule requiring bills to be read on three several days be suspended and that HB 557 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—96

Adams	Davis, H.	Kaster	Rosson
Agnich	Doyle	Kilpatrick	Salem
Atwell	Dramberger	Kost	Sanchez
Baker	Farenthold	Lemmon	Schulle
Bass, T.	Finnell	Lewis	Semos
Bigham	Finney	Lombardino	Shannon
Blanton	Foreman	Longoria	Short
Blythe	Garcia	McKissack	Simmons
Boyle	Golman	Moncrief	Slider
Braecklein	Hale	Moore, A.	Smith
Braun	Hanna, Joe	Murray	Solomon
Burgess	Harding	Nabers	Spurlock
Caldwell	Harris	Nelms	Stewart
Calhoun	Hawn	Neugent, D.	Stroud
Carrillo	Haynes	Newton	Swanson
Cates	Head	Niland	Tarbox
Cavness	Heatly	Ogg	Traeger
Clark	Hilliard	Orr	Tupper
Clayton	Howard	Parker, C.	Uher
Cobb	Hubenak	Parker, W.	Von Dohlen
Cole	Hull	Poerner	Ward
Craddick	Ingram	Poff	Wayne
Cruz	Jones, D.	Presnal	Wieting
Davis, D.	Jungmichel	Price	Williams

Nays—47

Allen, Joe	Denton	Jones, G.	Pickens
Allen, John	Doran	Kubiak	Reed
Allred	Earthman	Lee	Rodriguez
Angly	Finck	Ligarde	Santiesteban
Atwood	Floyd	Lovell	Silber
Bass, B.	Gammage	McAlister	Slack
Beckham	Grant	Mengden	Truan
Bowers	Graves	Moore, T.	Vale
Bynum	Hannah, John	Moreno	Williamson
Christian	Hendricks	Nichols	Wolff
Coats	Holmes, Z.	Nugent, J.	Wyatt
Daniel	Jones, E.	Patterson	

Present—Not Voting

Johnson Sherman

Absent

Hawkins Moore, G.

Absent-Excused

Holmes, T. Salter

HB 18 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 18, A bill to be entitled An Act relating to the authority of a commissioners court to deny a permit for waste disposal on the basis that the waste originates outside the county; amending Subsection (g), Section 5, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Clayton offered the following amendment to the bill:

Committee Amendment No. 1

Amend HB 18 to strike all below the enacting clause and substitute the following:

Section 1. Subsection (g), Section 5, Solid Waste Disposal Act of the Sanitary Code (Article 4477-7, Vernon's Texas Civil Statutes), is amended to read as follows:

“(g) Subject to the limitation prescribed in Subsection (a) of this section, a county, acting through its commissioners court, may make regulations for the areas of the county not within the territorial limits or extraterritorial jurisdiction of incorporated cities and towns to provide for governing and controlling solid waste collection, handling, storage and disposal. The regulations shall not authorize any activity, method of operation or pro-

cedure which is prohibited by this Act or by the rules and regulations of the department or the board. The county shall not, in its regulations, under the licensing power granted in this Act, or otherwise, impose any unreasonable requirements on the disposal of such solid waste in the county not warranted by the circumstances. The county may prohibit the disposal of any solid waste within the county if the disposal of the solid waste is a threat to the public health, safety, and welfare. The county may institute legal proceedings to enforce its regulations."

Mr. Adams offered the following amendment to Committee Amendment No. 1 to HB 18:

Amend Committee Amendment No. 1 to HB 18 by adding new subsection (g) (1) and (g) (2) thereto as follows:

"(1) To prohibit the disposal of solid waste within the county, the commissioners court must adopt an ordinance in the general form as prescribed for municipal ordinances specifically designating the area of the county in which the disposal of solid waste shall not be prohibited, unless such county has adopted solid waste disposal guidelines approved by the State Health Department.

"(2) The ordinance required in Subsection (g) (1) may be passed on first reading; however, such proposed ordinance must be published in a newspaper of general circulation in the county for two consecutive weeks before such proposed ordinance is taken up by the commissioners court, and such publication shall contain (1) a statement of the time, place and date such proposed ordinance shall be considered by the commissioners court and (2) notice that any interested citizen of the county may testify at such hearing. A public hearing shall be had on the proposed ordinance before it is considered by the commissioners court, and any interested citizen of the county shall be allowed to testify."

The amendment was adopted without objection.

Mr. Ogg offered the following amendment to Committee Amendment No. 1 to HB 18:

Amend Committee Amendment No. 1 to HB 18 by adding after the word "welfare" in line 22, the following language:

"as defined by the State Department of Health."

Mr. Adams raised a point of order against further consideration of the amendment on the grounds that the amendment is vague and indefinite.

The Speaker sustained the point of order.

Mr. Ogg offered the following amendment to Committee Amendment No. 1 to HB 18:

Amend Committee Amendment No. 1 (Second Printing) to HB 18 by adding after the word "welfare" in line 22, the following language:

"as defined by the State Department of Health."

Mr. Hubenak moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—111

Adams	Farenthold	Kost	Rosson
Agnich	Finck	Kubiak	Salem
Allen, John	Finnell	Ligarde	Sanchez
Allred	Foreman	Lombardino	Santiesteban
Angly	Garcia	Longoria	Schulle
Atwell	Golman	Lovell	Semos
Baker	Grant	McAlister	Shannon
Bass, B.	Graves	McKissack	Sherman
Beckham	Hanna, Joe	Moncrief	Short
Bigham	Hannah, John	Moore, A.	Silber
Blanton	Harding	Moore, T.	Simmons
Braun	Harris	Murray	Slider
Burgess	Hawkins	Nabers	Solomon
Bynum	Hawn	Nelms	Stewart
Carrillo	Haynes	Neugent, D.	Tarbox
Cates	Head	Newton	Traeger
Christian	Heatly	Nichols	Truan
Clark	Hendricks	Niland	Uher
Clayton	Hilliard	Nugent, J.	Vale
Cobb	Holmes, Z.	Parker, C.	Von Dohlen
Cole	Howard	Parker, W.	Ward
Craddick	Hubenak	Patterson	Wayne
Daniel	Ingram	Pickens	Wieting
Davis, D.	Johnson	Poerner	Williams
Davis, H.	Jones, D.	Poff	Williamson
Denton	Jungmichel	Presnal	Wolff
Doran	Kaster	Price	Wyatt
Doyle	Kilpatrick	Rodriguez	

Nays—33

Allen, Joe	Coats	Jones, E.	Slack
Atwood	Cruz	Jones, G.	Smith
Bass, T.	Dramberger	Lee	Spurlock
Blythe	Earthman	Lemmon	Stroud
Bowers	Finney	Lewis	Swanson
Boyle	Floyd	Mengden	Tupper
Braecklein	Gammage	Ogg	
Calhoun	Hale	Orr	
Cavness	Hull	Reed	

Present—Not Voting

Caldwell

Absent

Moore, G. Moreno

Absent-Excused

Holmes, T. Salter

REASON FOR VOTE

I voted "Present—Not Voting" on HB 18 because of a possible conflict of interest.

Signed: Neil Caldwell

HSR 192—ADOPTED

(Congratulating Governor Preston Smith on his birthday)

Mr. Cates offered the following resolution:

HSR 192

Whereas, It is always a pleasure when Members of this House of Representatives have the opportunity of extending good wishes to our Chief Executive, and especially so when the occasion is the celebration of his birthday; and

Whereas, Governor Preston Smith is a former Member of this House, having served in the 49th, 50th, and 51st Legislatures, before becoming a Member of the Senate in 1957; after three regular sessions as a Senator, he ran for and was elected Lieutenant Governor, where he served ably as the Senate's presiding officer of the 58th, 59th, and 60th Legislatures; and

Whereas, As Governor of the State of Texas, Preston Smith has accumulated more legislative experience than almost any other Texas Governor; he is highly knowledgeable in the legislative process as well as the duties and functions of the executive branch; and

Whereas, It is appropriate that the House of Representatives of the 62nd Legislature extend good wishes to our Governor as he celebrates his "39th Birthday Anniversary"; now, therefore, be it

Resolved, That Governor Preston Smith be congratulated on his birthday and that this House of Representatives of the 62nd Legislature hereby extend to him and his lovely wife, Ima, best wishes on this happy occasion; and, be it further

Resolved, That official copies of this Resolution be prepared for Governor Smith in recognition of his service to Texas and with heartiest congratulations to him on this his birthday anniversary.

The resolution was read and was unanimously adopted.

On motion of Mr. Short the names of all the Members of the House were added to the resolution as signers thereof.

Representatives Farenthold and Caldwell requested that their names be removed as signers of the resolution.

HB 18—(Consideration continued)

Mr. Ogg offered the following amendment to Committee Amendment No. 1 to HB 18:

Amend Committee Amendment No. 1 to HB 18 by adding the following new section to Section 5, Solid Waste Disposal Act of the Sanitary Code (Article 4477-7, Vernon's Texas Civil Statutes), as follows:

"(i) Nothing in this Section 5 shall be interpreted as allowing the county or its commissioners court to circumvent the limitations prescribed in Section 3(a) (b) and (c) of this Act and it shall be the intent of this Legislature that the handling, collecting, storage or disposal of municipal, industrial, or private waste and the granting or refusing of permits shall be in accordance and subject to the approval of the agency or board developing the state municipal solid waste plan and the state industrial solid waste plan as set out in Section 4(a) of this Act.

Mr. Adams raised a point of order against further consideration of the amendment on the grounds that it is not germane to the bill.

The Speaker overruled the point of order.

Mr. Hubenak moved to table the amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—118

Adams	Finck	Kubiak	Santiesteban
Allen, John	Finnell	Lewis	Schulle
Allred	Foreman	Ligarde	Semos
Angly	Gammage	Lombardino	Shannon
Atwell	Garcia	Lovell	Sherman
Atwood	Golman	McAlister	Short
Baker	Grant	McKissack	Silber
Bass, B.	Graves	Moncrief	Simmons
Beckham	Hanna, Joe	Moore, T.	Slack
Bigham	Hannah, John	Murray	Slider
Blanton	Harding	Nabers	Solomon
Braun	Harris	Nelms	Stewart
Burgess	Hawkins	Neugent, D.	Tarbox
Bynum	Hawn	Newton	Traeger
Carrillo	Haynes	Nichols	Truan
Cates	Head	Niland	Tupper
Christian	Heatly	Nugent, J.	Uher
Clark	Hendricks	Parker, C.	Vale
Clayton	Hilliard	Parker, W.	Von Dohlen
Cobb	Holmes, Z.	Patterson	Ward
Cole	Howard	Pickens	Wayne
Craddick	Hubenak	Poerner	Wieting
Daniel	Ingram	Poff	Williams
Davis, D.	Johnson	Presnal	Williamson
Davis, H.	Jones, D.	Price	Wolff
Denton	Jungmichel	Rodriguez	Wyatt
Doran	Kaster	Rosson	
Doyle	Kilpatrick	Salem	
Farenthold	Kost	Sanchez	

Nays—31

Agnich	Cavness	Hull	Moreno
Allen, Joe	Coats	Jones, E.	Ogg
Bass, T.	Cruz	Jones, G.	Reed
Blythe	Dramberger	Lee	Smith
Bowers	Earthman	Lemmon	Spurlock
Boyle	Finney	Longoria	Stroud
Braecklein	Floyd	Mengden	Swanson
Calhoun	Hale	Moore, A.	

Present—Not Voting

Caldwell

Absent

Moore, G. Orr

Absent-Excused

Holmes, T. Salter

REASON FOR VOTE

I voted "Present—Not Voting" on HB 18 because of a possible conflict of interest.

Signed: Neil Caldwell

Committee Amendment No. 1, as amended, was adopted.

VOTE RECORDED

Mr. Ogg requested to be recorded as voting Nay on the adoption of Committee Amendment No. 1, as amended, to HB 18.

HB 18, as amended, was passed to engrossment.

Mr. Hubenak moved to reconsider the vote by which HB 18 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

VOTE RECORDED

Mr. Ogg requested to be recorded as voting Nay on the passage to engrossment of HB 18.

HB 183 ON SECOND READING

The Speaker laid before the House on its second reading and passage to engrossment,

HB 183, A bill to be entitled An Act relating to authorizing the commissioners court in any county to establish a suboffice or branch office for the sale of license plates and collection of taxes; providing for com-

pensation for tax assessor-collectors who attach license plates to vehicles; amending Section 11, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-11, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Mr. Blanton offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend HB 183, First Printing, by:

(1) omitting the remainder of the sentence following the word "plates" on line 23, page 1.

(2) omitting the words between "sales" and "in" on line 25, page 1.

(3) omitting the words between "sales" and "shall" on line 29, page 1.

(4) omitting Subsection (b) appearing from line 4 through line 11, page 2 and substituting the following:

"(b) As compensation for his services as substation deputy tax collector under the provisions of this and other laws relating to the registration of vehicles, each substation tax collector shall receive a fee of not less than twenty-five cents (25¢) nor more than One Dollar (\$1.00) for registering each vehicle, said fee to be set by the commissioners court of each county."

LEAVE OF ABSENCE GRANTED

On motion of Mr. Braecklein, Mr. Griffith Moore was granted leave of absence for today on account of important business.

HB 183—(Consideration continued)

Mr. Aubry Moore offered the following amendment to Committee Amendment No. 1 to HB 183:

Amend Committee Amendment No. 1, HB 183, Second Printing, as follows:

Subsection (b), line 13, after the word "not", delete "less than twenty-five cents (25¢) nor".

The amendment was adopted.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the amendment by Mr. Aubry Moore to Committee Amendment No. 1 to HB 183.

Mr. Joe Allen offered the following amendment to Committee Amendment No. 1 to HB 183:

Amend Committee Amendment No. 1 to HB 183 on page 3, line 11 by deleting subsection (b),

Mr. Aubry Moore moved to table the above amendment.

A record vote was requested.

The motion to table was lost by the following vote:

Yeas—25

Allen, John	Farenthold	Head	Schulle
Allred	Finck	Jones, D.	Traeger
Atwood	Floyd	Moore, A.	Williams
Braun	Foreman	Nelms	Williamson
Carrillo	Golman	Newton	
Christian	Harding	Rodriguez	
Cobb	Harris	Rosson	

Nays—114

Adams	Davis, H.	Kost	Reed
Agnich	Denton	Kubiak	Salem
Allen, Joe	Doran	Lee	Sanchez
Angly	Doyle	Lemmon	Santiesteban
Atwell	Dramberger	Lewis	Semos
Baker	Earthman	Ligarde	Shannon
Bass, B.	Finnell	Lombardino	Short
Bass, T.	Finney	Longoria	Silber
Beckham	Gammage	Lovell	Simmons
Bigham	Garcia	McAlister	Slider
Blanton	Grant	McKissack	Smith
Blythe	Graves	Mengden	Solomon
Bowers	Hale	Moncrief	Spurlock
Boyle	Hanna, Joe	Moore, T.	Stewart
Braecklein	Hawkins	Moreno	Stroud
Burgess	Hawn	Murray	Swanson
Bynum	Haynes	Nabers	Tarbox
Caldwell	Heatly	Neugent, D.	Truan
Calhoun	Hendricks	Nichols	Tupper
Cates	Hilliard	Niland	Uher
Cavness	Holmes, Z.	Nugent, J.	Vale
Clark	Howard	Ogg	Von Dohlen
Clayton	Hubenak	Orr	Ward
Coats	Hull	Parker, C.	Wayne
Cole	Ingram	Pickens	Wieting
Craddick	Jones, E.	Poerner	Wolff
Cruz	Jones, G.	Poff	Wyatt
Daniel	Jungmichel	Presnal	
Davis, D.	Kaster	Price	

Absent

Hannah, John	Kilpatrick	Patterson	Slack
Johnson	Parker, W.	Sherman	

Absent-Excused

Holmes, T.	Moore, G.	Salter
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The above amendment was then adopted.

Committee Amendment No. 1, as amended, was adopted.

HB 183, as amended, was passed to engrossment by the following vote:

Yeas—124

Adams	Davis, D.	Ingram	Price
Agnich	Davis, H.	Jones, D.	Rodriguez
Allen, Joe	Denton	Jones, E.	Rosson
Allen, John	Doran	Jungmichel	Salem
Allred	Dramberger	Kaster	Sanchez
Angly	Farenthold	Kost	Santiesteban
Atwell	Finck	Kubiak	Schulle
Atwood	Finnell	Lemmon	Semos
Baker	Finney	Lewis	Shannon
Bass, B.	Floyd	Ligarde	Short
Bass, T.	Foreman	Lombardino	Silber
Beckham	Gammage	Longoria	Slack
Blanton	Garcia	Lovell	Slider
Blythe	Golman	McAlister	Smith
Boyle	Grant	McKissack	Solomon
Braecklein	Graves	Moncrief	Spurlock
Braun	Hale	Moore, A.	Swanson
Burgess	Hanna, Joe	Murray	Tarbox
Bynum	Hannah, John	Nabers	Traeger
Carrillo	Harding	Nelms	Truan
Cates	Harris	Newton	Tupper
Cavness	Hawkins	Nichols	Uher
Christian	Hawn	Niland	Vale
Clark	Haynes	Nugent, J.	Von Dohlen
Clayton	Head	Ogg	Ward
Coats	Heatly	Parker, C.	Wayne
Cobb	Hendricks	Parker, W.	Wieting
Cole	Hilliard	Patterson	Williams
Craddick	Holmes, Z.	Pickens	Williamson
Cruz	Hubenak	Poerner	Wolff
Daniel	Hull	Presnal	Wyatt

Nays—16

Bigham	Doyle	Lee	Poff
Bowers	Earthman	Mengden	Reed
Caldwell	Howard	Moreno	Simmons
Calhoun	Jones, G.	Orr	Stroud

Absent

Johnson	Moore, T.	Sherman	Stewart
Kilpatrick	Neugent, D.		

Absent-Excused

Holmes, T.	Moore, G.	Salter
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Mr. Aubry Moore moved to reconsider the vote by which HB 183 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

PROVIDING FOR ADJOURNMENT

Mr. Slider moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the House adjourn until 10:30 a.m. tomorrow.

The motion prevailed without objection.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution was today laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Presnal:

HJR 52, A Joint Resolution proposing an Amendment to Article XVI, Section 33, of the Texas Constitution to prohibit the holding of a position under this state by a person holding another position or an office under this state or the United States if the two are incompatible or if one person cannot perform the functions and duties of both simultaneously.

MASCOT RESOLUTIONS

The following Mascot Resolutions were referred to the Committee on House Administration:

HSR 179, by Kilpatrick: Naming Kelly Doyle and Paddy Doyle Mascots of the House.

HSR 184, by Christian: Naming Melinda Inez Davis Mascot of the House.

HCR 63—REFERRED TO COMMITTEE

(Memorializing Congress to convert Wesley Manor, Weslaco, Texas, into a Veterans Administration Hospital)

Mr. Rodriguez offered the following resolution:

HCR 63

Whereas, The Veterans Administration, by letter dated January 21, 1971, from Administrator Donald E. Johnson, has notified Congressman Kika de la Garza that there is insufficient demand to warrant construction of a VA hospital in the Rio Grande Valley area; and

Whereas, Congressman de la Garza, who introduced House Bill 122 in the United States House of Representatives on January 22, 1971, calling for a general medical and surgical hospital of 300 beds in the 15th Congressional District, stated that this made the tenth consecutive Congress in which such legislation had been introduced, and he felt that with 90,000 veterans and retired service personnel living in the Valley there is an immediate need for a 450-bed hospital; and

Whereas, His contention is borne out by Lieutenant Colonel W. J. Van Schelvin, USAR Retired, of Brownsville, who said that an executive order has recommended establishment of Veterans Hospitals on the basis of one bed per 200 veterans, and a minimum 450-bed hospital ignores normal anticipation of increasing needs; and

Whereas, Further, Colonel Van Schelvin pointed out that the 760-bed San Antonio facility now under construction would not solve emergency needs of the Valley and would mean only that emergency cases would have to be airlifted to San Antonio instead of to the VA Hospital at Houston, as is now being done; and

Whereas, In Weslaco, in the heart of the Valley area, there is situated a well-equipped and satisfactorily constructed nursing home-hospital, Wesley Manor, which could be adapted to the needs of a Veterans Administration Hospital without a great deal of expense and which could serve the needs of veterans and retired service personnel living in the Rio Grande Valley; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 62nd Legislature of the State of Texas hereby memorialize the Congress of the United States to convert Wesley Manor, Weslaco, Texas, into a Veterans Administration Hospital to serve the entire Rio Grande Valley area, thus obviating the necessity of airlifting emergency cases to VA hospitals in San Antonio or Houston, and providing a needed service to the 90,000 veterans and retired service personnel residing in the Valley area; and, be it further

Resolved, That Senator Lloyd M. Bentsen, Jr., Senator John Tower, and the entire Congressional delegation from Texas be requested to use the power of their offices to influence a reversal of Administrator Donald E. Johnson's decision ruling out the location of a Veterans Hospital in the Rio Grande Valley any time soon; and, be it further

Resolved, That copies of this Resolution be prepared and sent to the President of the United States; to the Honorable Donald E. Johnson, Administrator, Veterans Administration; to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; and to all members of the Texas delegation in the Congress.

Signed: Rodriguez, Williams, Longoria, Garcia, Atwood, Sanchez, Murray, Johnson, and Carrillo.

The resolution was referred to the Committee on State Affairs.

HCR 64—REFERRED TO COMMITTEE

(Creating an interim committee on historic flags of Texas)

Mr. Johnson offered the following resolution:

HCR 64

Whereas, Texas has enjoyed a colorful history not only as a state of the United States, but also as a state of the Confederacy, an independent republic, and a territory under the control of France, Spain, and Mexico; and

Whereas, Much of the rich heritage of our state is symbolized by the flags which have been flown by famous people, at important sites, and during memorable events and occasions; and

Whereas, The State of Texas should take steps to locate, identify, and insure the preservation or authentic reproduction of these historic and treasured flags which stand as glorious memorials to the proud tradition and distinctive culture which is Texas; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, the Senate concurring, That the Texas Legislature hereby create an interim committee on historic flags of Texas; and, be it further

Resolved, That the committee shall consist of five members: two Senators to be appointed by the Lieutenant Governor, and three Members of the House of Representatives, including one designated as chairman, to be appointed by the Speaker of the House; and, be it further

Resolved, That the committee shall be charged with the duties of (1) locating historic flags, (2) acquiring such flags where possible or, otherwise, arranging for authentic reproduction of the flags, (3) supervising the arrangement and public display of any acquisitions and replicas in the halls, rooms, and rotunda of the State Capitol; and, be it further

Resolved, That the committee shall, in the performance of its duties, have (1) wide latitude for travel both within and without the State of Texas to locate and secure flags of historic importance to Texas, (2) authority to accept all donations and assistance from any source as deemed necessary or expedient by the committee, and (3) authority to engage and cooperate with all agencies of the State of Texas and other subdivisions of government as may be deemed necessary in discharging the duties of the committee; and, be it further

Resolved, That from the expense funds of the House and Senate the members of the committee shall be reimbursed by their respective Houses for their actual expenses incurred in carrying out the purposes and duties of this Resolution, and other necessary expenses of operation of the committee shall be paid from the expense funds of the House and Senate equally; and, be it further

Resolved, That the committee shall prepare a budget for the operating expense of said committee which shall be submitted to the Administration Committee of the Senate and the House Administration Committee. Prior approval of the budget by the House Administration Committee and the Administration Committee of the Senate must be obtained before any non-budgeted expenses may be paid; and, be it further

Resolved, That the committee shall make a complete report of its activities and recommendations to the 63rd Legislature, when it convenes in January, 1973; five copies of the report shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HCR 66—REFERRED TO COMMITTEE

(Granting Charles H. Skeen permission to sue the state)

Mr. Craddick offered the following resolution:

HCR 66

Whereas, In May of 1956, Charles H. Skeen of Midland, Midland County, Texas, erected upon the premises described below, a personal residence for himself and his family; and

Whereas, Such residence was and is located upon the following described tract of land, to wit: A part of Section 41, Block 38, T-1-S, T & P Ry. Co. Survey, Midland County, Texas, described as follows: Beginning at the northeast corner of said Section 41; Thence South 15 deg. East 2,340.3' to a point; Thence North 75 deg. 913.8' to a point; Thence North 75 deg. East 1,116.6' to a point; Thence South 15 deg. 143.6' to a point; Thence South 58 deg. 46 min. West 1,166.1' to a point; Thence North 15 deg. West 469.5' to a point, and Place of Beginning, containing 7.88 acres; and

Whereas, At the time of construction of such residence, it was built and constructed so that all parts of the said residence were elevated above State Highway 80, which passes near the boundary of the premises upon which such residence is located; and

Whereas, In the course of two separate operations which occurred between May, 1956 and May 1968, the said highway has been elevated by the Highway Department of the State of Texas, so that the highway is now elevated above the said residence without any steps having been taken to provide proper drainage facilities to protect the residence from the runoff of rain-water; and

Whereas, Since the 1st day of May of 1968, two rainstorms have occurred in the vicinity of the said residence which have resulted in flooding the said residence with waters draining from the said State Highway 80, damaging the said residence in the approximate amount of \$20,000; and

Whereas, The exact amount of damages is uncertain; and

Whereas, The amount involved cannot be adjusted between the said Charles H. Skeen and the State Highway Department and a necessity exists for the determination of the validity of a settlement thereof, of the claim of the said Charles H. Skeen in a court of competent jurisdiction; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said Charles H. Skeen be, and he is hereby, granted permission, and given authority to institute a suit against the State of Texas in the 142nd District Court of Midland County, Texas; in order to determine and settle the amount of damages, if any, arising out of and in connection with the aforesaid loss and to determine the responsibility, if any, for the negligent acts, if any, performed by it or the State Highway Department of the State of Texas.

The resolution was referred to the Committee on Judiciary.

HCR 69—REFERRED TO COMMITTEE

(Granting K. B. Ivey Investment Company, Inc., permission to sue the state)

Mr. Moreno offered the following resolution:

HCR 69

Whereas, K. B. Ivey Investment Company, Inc., a corporation of the State of Texas, and Ben L. Ivey and wife, Leone D. Ivey, residents of the State of Texas, allege that they own land adjacent to Interstate Highway 10, Loop 375, and the Interchange of Interstate Highway 10 and Loop 375, in El Paso County, Texas;

Whereas, K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey, allege that they own the right of access from their said property on to the abutting or adjacent outer frontage roads of said Interstate Highway 10, Loop 375, and the Interchange Highway 10 and Loop 375 and onto said Loop 375;

Whereas, K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey, allege that the State of Texas has, through the action of the State Highway Department of the State of Texas, constructed a curb and railing along the side of said abutting or adjacent outer frontage roads of said Interstate Highway 10, Loop 375, and the Interchange of Interstate Highway 10 and Loop 375 and alongside said Loop 375, thereby materially and substantially impairing the access from the property of the said K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey on to said abutting or adjacent outer frontage roads of Interstate Highway 10, Loop 375, and the Interchange of Interstate Highway 10 and Loop 375 and onto Loop 375;

Whereas, K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey, allege that their said property has been damaged by such impairment of access; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That

(1) K. B. Ivey Investment Company, Inc., and Ben L. Ivey and wife, Leone D. Ivey are granted permission to sue the State of Texas and the State Highway Department of the State of Texas in any court of competent jurisdiction for any relief to which they may be entitled under the law arising from the allegations stated in this Resolution or any allegations necessarily connected with them;

(2) In the event suit is filed, service of citation and other required process shall be made upon the Attorney General of the State of Texas and upon the Chairman of the State Highway Commission; and

(3) the suit shall be tried as other civil suits; and, be it further

Resolved, That nothing in this Resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions, of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action

must be proved under the laws of this state as in other civil suits; and, be it further

Resolved, That nothing in this Resolution may be construed as a waiver of its employees, agents, departments, agencies, or political subdivisions, of any defense, of law or fact, available to the State of Texas or to any but every defense is specifically reserved.

Signed: Moreno and Santiesteban

The resolution was referred to the Committee on Judiciary.

HOUSE BILLS ON FIRST READING

The following House Bills were today laid before the House, read first time and referred to Committees, as follows:

By Schulle:

HB 844, A bill to be entitled An Act relating to the office of ex officio county school superintendent in certain counties; and declaring an emergency.

Referred to Committee on Counties.

By Bigham:

HB 845, A bill to be entitled An Act amending Subdivision (5) Section 2, Chapter 201, Acts of the 60th Legislature, Regular Session, 1967 (Article 5182a, Vernon's Texas Civil Statutes), to include within the definition of "employer" carriers regulated by the Interstate Commerce Commission; providing for severability; and declaring an emergency.

Referred to Committee on Common Carriers.

By Hull, Cobb, Poff, and Bynum:

HB 846, A bill to be entitled An Act relating to setting, amending, and repealing air control and water quality standards; amending Sections 1.05, 3.01, 3.21, 3.26, 5.05, and Subsection (a) of Section 6.01, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes), and Sections 3.01, 5.01, and 5.02, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); repealing Sections 3.14, 3.15, 3.16, and 3.17, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By T. Moore:

HB 847, A bill to be entitled An Act relating to removing admissions to skating rinks from the admissions tax; amending Article 21.01 and Section (4) of Article 21.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By Joe Allen:

HB 848, A bill to be entitled An Act relating to the purchase and operation of school buses; amending Subchapter F, Chapter 21, Texas Education Code; repealing Section 11.12, Texas Education Code; and declaring an emergency.

Referred to Committee on Public Education.

By Cole:

HB 849, A bill to be entitled An Act relating to the salary of the official shorthand reporter for the 196th Judicial District; providing for severability; and declaring an emergency.

Referred to Committee on Counties.

By Bowers, Mengden, Joe Allen, Nelms, Nichols, Gammage, Earthman, Lee, Ogg, Blythe, Swanson, E. Jones, and Williams:

HB 850, A bill to be entitled An Act relating to removal of elective public officers of the state and its political subdivisions by recall elections and to filling vacancies created by this method of removal; making the Act effective only upon the adoption of a constitutional amendment; adding Article 5997a to Title 100, Revised Civil Statutes of Texas, 1925; adding Chapter 15 to the Texas Election Code; and declaring an emergency.

Referred to Committee on State Affairs.

By Cavness:

HB 851, A bill to be entitled An Act amending Subsection (a), Section 23A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as added (Article 6687b, Vernon's Texas Civil Statutes) relating to the issuance of occupational drivers' licenses; and declaring an emergency.

Referred to Committee on Highways and Roads.

By Poerner:

HB 852, A bill to be entitled An Act relating to the sale of children's toys on Sunday; amending Article 287, Penal Code of Texas, 1925, as amended; amending Section 1, Chapter 15, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 286a, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on State Affairs.

By Heatly:

HB 853, A bill to be entitled An Act amending Section 7-A, House Bill No. 441, Chapter 305, Page 757, General and Special Laws of the State of Texas, Acts of the Fifty-third Legislature, Regular Session, 1953 (Section 7-A of Article 695c, Vernon's Texas Civil Statutes); providing for the establishment of a Food Stamp Program; providing for assessments for the handling of the Food Stamp Program and placing a limitation on the

amount of assessments; providing for an increase in assessments for the handling of the commodities and placing a limitation on the amount of the assessments; fixing an effective date; providing a repealing clause, a savings clause; and declaring an emergency.

Referred to Committee on Appropriations.

By Heatly:

HB 854, A bill to be entitled An Act to amend Chapter 361, Acts of the 58th Legislature, Regular Session, 1963, as amended by Chapter 40, Acts of the 59th Legislature, Regular Session, 1965, by adding a new subsection to such Incentive Aid Law to authorize and make eligible, subject to approval, a county-line independent school district hereafter resulting from the consolidation of two or more contiguous county-line accredited 12-grade independent school districts, for incentive aid payments although the resulting district contains fewer than 750 children in average daily attendance; and declaring an emergency.

Referred to Committee on Public Education.

By Heatly:

HB 855, A bill to be entitled An Act repealing Subdivision 1, Article 3926, Revised Civil Statutes of Texas, 1925, relating to the requirement that a county judge access a fee on the cash receipts of each executor, administrator, or guardian upon final settlement of the account; and declaring an emergency.

Referred to Committee on Judiciary.

HB 856 was not read first time today.

By Heatly:

HB 857, A bill to be entitled An Act amending Sections 9.403, 9.404, 9.405, and 9.406 of the Business & Commerce Code, as amended; and declaring an emergency.

Referred to Committee on Appropriations.

By Heatly:

HB 858, A bill to be entitled An Act amending Sections 3 and 26 of the Texas Uniform Limited Partnership Act (Article 6132a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Appropriations.

By Heatly:

HB 859, A bill to be entitled An Act relating to the disclosure of consideration by a grantor in an instrument of conveyance of real property or an interest in real property; providing for suit to cancel the conveyance at the option of the grantee for failure to properly disclose consideration; specifying defense against cancellation by a bona fide purchaser for value of a note given as part of the consideration; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

By C. Parker, John Hannah, B. Bass, E. Jones, Simmons, Blythe, Wolff, Santiesteban, Longoria, Head, Reed, Agnich, Haynes, Moncrief, Lovell, Von Dohlen, Bigham, Price, Kubiak, Ogg, Jungmichel, Wyatt, Adams, Poerner, Smith, Grant, and Lewis:

HB 860, A bill to be entitled An Act prohibiting the use of funds distributed as aid to families with dependent children by persons who are not the parents or legal guardians of the children and who contribute nothing to the support of the family; providing penalties for violations; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Niland:

HB 861, A bill to be entitled An Act relating to the unification of the El Paso City-County Health Board and the Board of Managers of the county-owned R. E. Thomason General Hospital; and declaring an emergency.

Referred to Committee on Counties.

By Niland:

HB 862, A bill to be entitled An Act relating to creditable service under the Employees Retirement System in certain circumstances; amending Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), by adding a new Subsection H; and declaring an emergency.

Referred to Committee on State Affairs.

By Poerner:

HB 863, A bill to be entitled An Act relating to tattoo marks on cattle; amending Section 1, Chapter 48, Acts of the 48th Legislature, 1943 (Article 6899-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Livestock.

By Denton:

HB 864, A bill to be entitled An Act requiring separate confinement of persons younger than 25 years who are charged with or convicted of a narcotics or dangerous drug violation; amending the Code of Criminal Procedure, 1965, by adding Article 16.22; amending Chapter 212, Acts of the 40th Legislature, Regular Session, 1927 (Articles 6166a-6166z10, Vernon's Texas Civil Statutes), by adding Section 22a; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Wolff:

HB 865, A bill to be entitled An Act relating to research and experi-

mentation for the purpose of determining the effects of marihuana use; providing for immunity from prosecution in certain cases; prescribing penalties; and declaring an emergency.

Referred to Committee on Public Health.

By Baker:

HB 866, A bill to be entitled An Act relating to increasing the penalties for entry onto enclosed, surrounded land of another without consent of the owner to hunt, fish, or camp; amending Sections 3 and 4, Chapter 42, Acts of the 56th Legislature, 2nd Called Session, 1959, as amended (Article 1377b, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Parks and Wildlife.

By Spurlock:

HB 867, A bill to be entitled An Act permitting persons summoned as jurors to claim exemptions by filing a written statement of their ground of exemption either by mail or in person; amending Article 2137, Revised Civil Statutes of Texas, 1925, as amended, by amending Section 1 and by adding Section 3; amending Article 35.04, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Judiciary.

By Johnson:

HB 868, A bill to be entitled An Act providing for popular election of municipal court judges in certain cities; and declaring an emergency.

Referred to Committee on Urban Affairs.

By Nichols, Braun, Reed, and Bigham:

HB 869, A bill to be entitled An Act relating to the authority of the State Board of Insurance to prescribe only net premium rates for motor vehicle insurance and that insurers shall add to the net rates their own expense factors; providing that expense factors shall be displayed in insurance policies; amending Articles 5.01, 5.03, 5.04, and 5.06, Texas Insurance Code; amending Section 35, Texas Motor Vehicle Safety-Responsibility Act, as amended (Article 6701h, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Insurance.

By Joe Hanna:

HB 870, A bill to be entitled An Act relating to creation of the Juvenile Board of Eastland County; and declaring an emergency.

Referred to Committee on Counties.

By Lemmon:

HB 871, A bill to be entitled An Act amending Article 3930(b), Re-

vised Civil Statutes of Texas, 1925, as amended, relating to fees which county clerks and clerks of county courts shall receive for their services; containing a repealing clause repealing all laws and parts of laws in conflict to the extent of conflict only, with the provisions of this Act; containing a severability clause; and declaring an emergency.

Referred to Committee on Judiciary.

By Lemmon:

HB 872, A bill to be entitled An Act amending the Revised Civil Statutes of Texas, 1925, as amended, by adding a new Article 3930c; providing minimum specifications for filing of legal instruments, documents and papers in the office of the county clerk and county recorder; providing fees for filing nonconforming legal instruments, documents, and papers; containing a repealing clause; containing a savings clause; and declaring an emergency.

Referred to Committee on Judiciary.

By Lemmon:

HB 873, A bill to be entitled An Act to amend Article 3930, Revised Civil Statutes of Texas, 1925, as amended, relating to fees which county clerks and county recorders shall receive for their services; containing a repealing clause repealing all laws and parts of laws in conflict, to the extent of conflict only, with the provisions of this Act; containing a severability clause; and declaring an emergency.

Referred to Committee on Judiciary.

By Calhoun:

HB 874, A bill to be entitled An Act abolishing contributory negligence as an absolute defense in negligence cases; and declaring an emergency.

Referred to Committee on State Affairs.

By Calhoun:

HB 875, A bill to be entitled An Act to increase the penalty for unlawful possession of lysergic acid, lysergic acid diethylamide, LSD-25, and LSD; amending Subsection (a), Section 15, Chapter 425, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 726d, Vernon's Texas Penal Code); and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

By Nelms, Gammage, and Clark:

HB 876, A bill to be entitled An Act relating to the place for hearings on applications for permits and amendment of permits by the Texas Water Quality Board; amending Subsection (a), Section 3.19, Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Nelms, Gammage, and Clark:

HB 877, A bill to be entitled An Act relating to the place for hearings for variances or amendment of variances by the Texas Air Control Board; amending Subsection (d), Section 3.22, Subchapter C, Texas Clean Air Act, as amended (Article 4477-5, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By Caldwell and Hubenak:

HB 878, A bill to be entitled An Act providing for the compensation of the Official Shorthand Reporter of the 149th Judicial District of Texas; providing for the manner of payment; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency.

Referred to Committee on Counties.

By T. Bass and Blythe:

HB 879, A bill to be entitled An Act relating to appeals of county decisions for the issuance, extension, or renewal of licenses for solid waste disposal sites; amending Subsection (d), Section 5, Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on State Affairs.

By McKissack, Golman, Reed, Hawn, G. Moore, Orr, Z. Holmes, Agnich, Coats, Atwell, and Boyle:

HB 880, A bill to be entitled An Act relating to the compensation to be paid from county funds to district and criminal district court judges serving in certain counties; amending Section 1, Chapter 229, Acts of the 59th Legislature, Regular Session, 1965 (codified as Article 6819a-25a, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Counties.

By T. Holmes:

HB 881, A bill to be entitled An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Texas Constitution, known as De Cordova Bend Water Control and Improvement District, declaring district a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; finding district is created for public use and benefit; conferring on district the rights, powers, privileges, authority, and functions of the general laws of Texas applicable to water control and improvement districts created under said Article XVI, Section 59, where not in conflict with this Act, and adopting same by reference; providing for continuing supervision by the Texas Water Rights Commission; stat-

ing the policy of the state with regard to waste control; prescribing the district's rights, powers, privileges, and functions, and related matters; providing for no election for confirmation; providing for no hearing for exclusions except on written request or the board of directors' own motion; providing for notice of right to have an exclusions hearing; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation; providing for addition of land to district and the assumption of bonded indebtedness by the added land, and related matters; providing for governing body of district; providing for qualifications and bonds of directors; naming first board of directors; providing for the filling of vacancies; providing for terms and election of directors and notice of directors elections, and related matters; providing for the letting of construction contracts and the drawing of warrants; providing for execution of contracts by the president; providing duties of vice-president; providing for compliance with Section 139, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7880-139, Vernon's Texas Civil Statutes); providing for bonds and refunding bonds of the district, and related matters; providing for approval of bonds by the Attorney General of Texas and registration by the Comptroller of Public Accounts; providing for the incontestability of bonds; providing the power of eminent domain shall be limited to the county or counties within which district is situated; providing district shall bear expenses of relocating, raising, or rerouting any highway, railroad, or utility lines or pipe lines made necessary by its exercise of the power of eminent domain; defining "sole expense"; providing for depositories; providing for an audit, and related matters; providing for the establishment of district offices, and related matters; providing for powers of district within and without the boundaries of district; providing for a plumbing code; providing for the sale of bonds and the price of such bonds; providing that Section 77b, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7880-77b, Vernon's Texas Civil Statutes), shall not be applicable to this district; providing that notice of all elections shall be under the hand of the president or secretary; providing for the canvassing of election returns; providing that bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to the creation of this district; providing that district is subject to provisions of Chapter 128, Acts of the 50th Legislature, 1947, as amended (Article 1182c-1, Vernon's Texas Civil Statutes); determining and finding the requirements of Article XVI, Section 59(d), of the Texas Constitution, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the district shall not be required to pay any tax or assessment on its properties or any purchase; enacting other provisions relating to the aforementioned subjects; providing a severability clause; and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Cavness:

HB 882, A bill to be entitled An Act amending Article 4501, Article 4503, Article 4505, Article 4509a, of the Revised Civil Statutes of Texas; providing for requirements for application for licensure by the Texas State Board of Medical Examiners; relating to the examination of applicants for licensure by the Board; providing for refusal to admit to examinations and to license to practice; providing for certification by the Board of Health, Research and Educational organizations; repealing all laws and parts of

laws in conflict herewith; providing severability; and declaring an emergency.

Referred to Committee on Public Health.

By Craddick:

HB 883, A bill to be entitled An Act relating to the use of state park facilities by persons 18 years of age or older; and declaring an emergency.

Referred to Committee on Youth.

By Ligarde, Santiesteban, and Farenthold:

HB 884, A bill to be entitled An Act to provide additional revenue to permit support of state services at an adequate level by imposing a corporate and personal income tax; defining terms; providing for assessment and purpose; providing rates; providing for administration of the tax; determining allocation of income by corporations, insurance and surety companies, and individuals; providing for returns and payments, retention of records and making further appropriate provisions in regard to returns; providing a lien for taxes; providing for changes made by federal government and for settlement and resettlement of taxes; providing for judicial review and refunds and credits; declaring taxes due and payable to be debts and providing penalties; amending Title 122A Taxation-General, Revised Civil Statutes, 1925, by adding a Chapter 34, repealing all conflicting laws; providing for severability; and declaring an emergency.

Referred to Committee on Revenue and Taxation.

HB 885 read first time and referred to Committee on Conservation and Reclamation on March 4.

By Clayton:

HB 886, A bill to be entitled An Act providing that revenue bonds may be delivered to the Texas Water Development Board as the price for purchase of the state's interest in acquired storage facilities; enacting other provisions relating to the subject; amending Subsections (i) and (j), Section 12, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8280-9, Vernon's Texas Civil Statutes); and declaring an emergency.

Referred to Committee on Conservation and Reclamation.

By Wolff and Johnson:

HB 887, A bill to be entitled An Act permitting courts to order the payment of fines and costs in installments or at a later date; amending Articles 42.15, 43.03, 43.04, 43.05, 45.50, 45.51, and 45.52, Code of Criminal Procedure, 1965; and declaring an emergency.

Referred to Committee on Criminal Jurisprudence.

SENATE BILL ON FIRST READING

The following Senate Bill was today laid before the House, read first time and referred to Committee, as follows:

SB 89 to the Committee on Conservation and Reclamation.

ADJOURNMENT

In accordance with a previous motion, the House, at 1:27 p.m., adjourned until 10:30 a.m. tomorrow.

APPENDIX

BILLS TRANSMITTED TO GOVERNOR UNDER ARTICLE 16, SECTION 59

HB 922 transmitted by the Chief Clerk to the Governor on March 4, 1971.

HB 923 transmitted by the Chief Clerk to the Governor on March 4, 1971.

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills, as follows:

Engrossed and Enrolled Bills: Correctly engrossed—HB 253, HB 448, HB 730. Correctly enrolled—HB 283.

Highways and Roads: HB 32, HB 71.

Public Health: HB 63, HB 89, HB 106, HB 107, HB 166.

State Affairs: HB 40, HB 156.

THIRTY-FOURTH DAY—TUESDAY, MARCH 9, 1971

The House met at 10:30 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bynum	Earthman	Hendricks
Adams	Caldwell	Farenthold	Hilliard
Agnich	Calhoun	Finck	Holmes, Z.
Allen, Joe	Cates	Finnell	Howard
Allen, John	Cavness	Floyd	Hull
Allred	Christian	Foreman	Ingram
Angly	Clark	Gammage	Johnson
Atwood	Clayton	Garcia	Jones, E.
Baker	Coats	Grant	Jones, G.
Bass, B.	Cobb	Graves	Jungmichel
Bass, T.	Cole	Hale	Kaster
Beckham	Craddick	Hanna, Joe	Kilpatrick
Bigham	Cruz	Hannah, John	Kost
Blanton	Daniel	Harding	Kubiak
Blythe	Davis, D.	Harris	Lee
Bowers	Davis, H.	Hawkins	Lemmon
Boyle	Denton	Hawn	Lewis
Braecklein	Doran	Haynes	Lombardino
Braun	Doyle	Head	Longoria
Burgess	Dramberger	Heatly	McAlister